HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20470 of 2005

Dated 19th September, 2005

Between:

P. Bheemachary .. Petitioner

And

The State of Andhra Pradesh

Rep. by its Secretary, Home Department,

Hyderabad and 6 others .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20470 of 2005

ORAL ORDER:

This writ petition is filed challenging the F.I.R. in Crime No.385 of 2003 for the offence under Section 420 I.P.C of Shamshabad Police Station, Ranga Reddy District.

The learned counsel for the petitioner has contended that even if the

allegations made in the complaint are taken to be true, they do not make out any *prima facie* offence of cheating under Section 420 I.P.C. and it amounts to a dispute of civil nature, and hence, the registration of F.I.R is illegal.

The learned Government Pleader for Home has opposed this contention.

There cannot be any dispute that if the allegations made in the complaint make out a *prima facie* offence of cheating, then the police have a statutory duty to register an F.I.R. and investigate the case and that statutory right cannot be curtailed. Under the facts and circumstances of the case whether the grievance of the petitioner amounts to a dispute of civil nature or the allegations in the complaint make out a *prima facie* offence under Section 420 I.P.C. are required to be investigated by the police. Therefore, the registration of F.I.R by the police based on the complaint cannot be decided at this stage by arriving at a conclusion that the matter relates to civil dispute. Therefore, there are no grounds to interfere with the registration of F.I.R in Crime No.385 of 2003 for the offence under Section 420 I.P.C of Shamshabad Police Station, Ranga Reddy District and further investigation by the police.

The writ petition is devoid of merits and is dismissed. However, all the remedies as may be available under law are left open to the petitioner. No costs.

19.09.2005

bcj